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Child Protection Guidelines and Policy for Early Years Providers

This policy was adopted at a meeting of:

Bananas Playgroup

Address *c/o Broughton Primary School
 Broughton
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On *20th August 2014*

At *Staff and Committee Meeting*

Signed Chairperson

Name (*print*)..... Chairperson

Witnessed by (*sign here*).....

Witnessed by (*print name*).....

Child Protection Guidelines

Legal Context

Child Protection Definition

Child protection is when a child requires protection from child abuse or neglect. For a child to require protection, it is not required that child abuse or neglect has taken place, but rather a risk assessment has identified a *likelihood* or *risk* of significant harm from abuse or neglect.

Child protection has to be seen in the context of the UN Convention on the Rights of the Child and Getting it right for every child (GIRFEC) approach and the Early Years Framework. All children and young people have the right to be cared for and protected from harm and abuse, and to grow up in a safe environment in which their rights are respected and their needs met. Children and young people should get the help they need, when they need it, and their welfare is always paramount.

Principles embodied in the United Nations Convention on the Rights of the Child, ratified by the UK Government in 1991, underpin legislation and good practice in child protection matters. They are:

- each child has a right to be treated as an individual
- each child has the right to protection from all forms of abuse, neglect and exploitation
- each child has the right to express views on matters affecting them
- parents should normally be responsible for the upbringing of their children
- interventions to prevent harm to children should be properly justified and supported by collaborative working among relevant agencies, in the best interests of the child.

In addition, Protecting Children and Young People: The Charter (2004) was published following consultation with children and young people as part of the Scottish Government's child protection reform programme. The Charter sets out a list of demands children should feel entitled to make. The Charter reflects children and young people's views regarding what they need and the standard of care they expect when they have problems or are in difficulty and need to be protected. It shows that children and young people place more value on relationships and attitudes than processes and events. Paramount among these Charter principles is that child protection must be seen within the wider context of supporting families and meeting children's needs through GIRFEC, which:

- puts children's needs first;
- ensures that children are listened to and understand decisions that affect them; and
- ensures that they get the appropriate coordinated support needed to promote their well-being, health and development.

GIRFEC requires that all services for children and young people - including social work, health, education, police, housing and third sector services - adapt and streamline their systems and practices so that, where necessary, they can work together better to support children and young people. The approach encourages earlier intervention by practitioners to avoid crisis situations at a later date, and ensures that children and young people get the help they need when they need it.

The National Guidance for Child Protection in Scotland also states:

every child who can form a view on matters affecting them has the right to express those views if they so wish, and those views should be given due weight in accordance with the child's age and maturity;

- parents should normally be responsible for the upbringing of their children and should share that responsibility;

- each child has the right to protection from all forms of abuse, neglect or exploitation;
- insofar as is consistent with safeguarding and promoting the child's welfare, public authorities should promote the upbringing of children by their families; and
- any intervention by a public authority in the life of a child must be properly justified and should be supported by services from all relevant agencies working in collaboration.

The main piece of legislation relevant to child protection is the Children (Scotland) Act 1995. This Act has three overarching principles:

- the welfare of the child is paramount
- the child's views must be considered
- no legal order should be made unless it is necessary for the child's welfare

The Protecting Vulnerable Groups Scheme (PVG Scheme)

The Protection of Children (Scotland) Act 2003 (PoCSA) has been repealed and replaced by the Protection of Vulnerable Groups (Scotland) Act, 2007 which establishes the Protecting Vulnerable Groups (PVG) Scheme.

The PVG Scheme ends the use of disclosure checks under Part 5 of the Police Act 1997 ('the 1997 Act') for regulated work with children and adults at risk. They are replaced by new types of disclosure records which ensure that those who either have regular contact with vulnerable groups through the workplace, or who are otherwise in regulated work, do not have a history of inappropriate behaviour. It excludes people who are known to be unsuitable, on the basis of past behaviour, from working with children and/or protected adults and detects those who become unsuitable while in the workplace.

The PVG Scheme is managed and delivered by Disclosure Scotland which, as an agency of Scottish Government, will take on additional responsibilities. This will include taking decisions, on behalf of Scottish Ministers, about who should be barred from working with vulnerable groups. The voluntary sector can access the Scheme via the Central Registered Body in Scotland (CRBS).

The PVG Scheme introduces:

- Continuous updating of vetting information with new information being acted upon. People who work, on a regular basis, with vulnerable groups will join the PVG Scheme and, from then on, their membership records will be automatically updated if any new vetting information arises. Vetting information is information retrieved from the criminal justice system and includes convictions and cautions, sex offender registration, certain civil orders and non-conviction information held by the police that is considered relevant.
- A barred from working with protected adults list, kept by Disclosure Scotland, along with the Disqualified from Working with Children's list. A person who is barred from working with children, protected adults or both in Scotland will also be barred throughout the rest of the UK and vice-versa as the PVG Scheme will dovetail with the systems being developed for England, Wales and Northern Ireland through the Safeguarding Vulnerable Groups Act (2006).
- More effective vetting and barring through the assessment of vetting information. Decisions about barring will involve a thorough and fair process. The person will have access to all the information being considered and they will be able to submit written representation to the PVG Scheme. While under consideration for listing, the person can continue to work with vulnerable groups but all organisations and groups known to have an interest in them will be notified that their PVG Scheme membership status has changed. If, after careful assessment, a person is considered a risk and therefore unsuitable to work with children or protected adults, or both, Disclosure Scotland will list them on one or both of the barred

lists. This means that the person will not be able to become a PVG Scheme member in relation to one or both areas of work. An appeals procedure will be in place for anyone wishing to challenge a barring decision.

- A more streamlined disclosure process with PVG Scheme membership making moving between jobs easier. It minimises bureaucracy by reducing the need for PVG Scheme members to complete a detailed application form every time they undertake work with vulnerable groups, and strikes a balance between proportionate protection and robust regulation, making it easier for employers to determine who they should check to protect their client group.
- Access to disclosure for personal employers for the first time.

Organisations **must not** offer regulated work to a barred person and should use the PVG Scheme to prevent this. They should ask individuals to whom they are offering regulated work with children for the first time, to become PVG Scheme members. Organisations can ask existing staff to join the PVG Scheme as part of a continuation of existing practice of re-checking employees or volunteers from time to time.

It is an offence for a barred person, and for an organisation, to permit that person to undertake such work.

Another Scheme benefit is that organisations and groups, as part of their safe recruitment processes, will be able to do a quick and simple check to verify that a person is a PVG Scheme member and therefore not barred from working with children or protected adults or both.

Checks for volunteers working in the voluntary sector will continue to be free.

A comprehensive package of information and training materials on the PVG Scheme can be found and downloaded from:

CRBS website: www.crbs.org.uk

Disclosure Scotland website: www.disclosurescotland.co.uk

These guidelines provide a basis for early education and childcare settings, to develop effective measures to minimise risks to children, and to provide an environment in which they are safe from harm and in which any suspicion of abuse is promptly and appropriately responded to.

Introduction

The purpose of issuing these guidelines is primarily to protect children, but they are also designed to raise staff awareness and to increase staff confidence in coping with these situations.

Working closely with young children gives access to a great deal of information, much of which can be put down to children making sense of their surroundings and their parents' actions, but some of which requires a great deal of sensitive handling. In a minority of cases, information cannot be ignored and action must be taken to protect the interests of a very vulnerable sector of society.

Children have the right to be protected and if you suspect that any child in your care is being neglected or harmed, there are steps you can take to get help.

Every agency, which is involved in direct work with children, is in the 'frontline' of child protection and should have a clear framework for action in situations where child abuse is suspected. The sole focus of these guidelines is the welfare of the child. There has to be consideration of how that can best be achieved. This can be described as a balancing exercise between, how you can monitor the situation and protect the child by your current involvement and relationship, against how the child can be protected by reporting the matter.

Staff and volunteers working with children should be instructed to read and digest these guidelines and policy as part of their induction process, and their understanding of it examined. Staff should

be given child protection training appropriate to their role and asked to sign a training statement indicating that they have received training in child protection. Staff training in child protection matters should be reviewed and updated regularly to ensure good practice is maintained and to promote staff confidence in handling matters relating to child protection.

Reporting procedures vary depending on the local authority your group is based in. Advice should be sought from Social Work Services as to what your local procedures are.

Note: Throughout the guidelines the term early years workers has been used to cover the range of staff, rota parents and volunteers now found within pre-school groups.

Definitions and indicators

This section is aimed at early years providers to help them to be alert to, and recognise behaviours, which may suggest the possibility that abuse is taking place. The section is divided into four areas to help them to categorise what they may be seeing or hearing. It is essential to remember that a child may show symptoms from one or all categories, and in reality there is no clear dividing line between one type of abuse and another.

It is essential to keep in mind the importance of seeking appropriate professional advice whenever child abuse, including sexual abuse, and neglect are suspected. Providers and staff who work within early years settings DO NOT have the responsibility of investigating or intervening in cases of known or suspected abuse.

'Likely', in the context of these definitions, means either potential or suspected. However, there has to be some evidence pointing towards the abuse. The suspicion has to be based on something tangible, and providers and/or early years workers may need to be able to justify their actions in court.

These categories of abuse are not necessarily exhaustive nor are they mutually exclusive. Any of them may result in a failure of the child to thrive.

Harm may take a number of forms including:

Neglect: actual or likely persistent or severe neglect of a child; or the failure to protect a child from exposure to any kind of danger, including cold or starvation; or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development. Neglect may also result in the child being diagnosed as suffering from 'non-organic failure to thrive', where they have significantly failed to reach normal weight and growth or development milestones and where physical and genetic reasons have been medically eliminated. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature. With young children in particular, the consequences may be life-threatening within a relatively short period of time

Physical abuse: actual or likely perpetrated physical injury to a child, or failure to prevent physical injury (or suffering) to a child. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating.

Sexual abuse: actual or likely sexual exploitation of a child or adolescent.

Emotional abuse: actual or likely persistent or severe emotional ill treatment or rejection resulting in severe adverse effects on the emotional and behavioural development of a child. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may involve causing children to feel frightened or in danger,

or exploiting or corrupting children. All abuse involves some emotional ill treatment: this category should be used where it is the main, or sole, form of harm.

Possible indicators of abuse

Neglect

- constant hunger
- poor personal hygiene
- a constant tiredness
- inappropriate/inadequate clothing
- unkempt and general waif-like look
- untreated illnesses
- exposure to danger; lack of supervision
- destructive tendencies
- low self-esteem
- poor social relationships
- compulsive stealing or scavenging.

Physical abuse

- unexplained injuries or burns - particularly if recurrent
- inconsistent and/or improbable excuses given to explain injuries; untreated injuries
- reports of punishment which seem excessive
- bald patches
- withdrawal from physical contact; over reaction to sudden movement of adults
- arms and legs covered in hot weather
- fear of returning home
- fear of medical help
- self destructive tendencies
- aggression towards others
- site of bruise not normally associated with play
- failure to thrive
- untreated injuries.

Sexual abuse

- itching in the genital area
- soreness in the genital area
- unexplained rashes or marks in the genital area
- pain on urination
- difficulty in walking or sitting
- stained or bloody underclothes
- recurrent tummy pains or headaches
- bruises on inner thigh or buttocks
- frequent masturbation (many young children masturbate occasionally for comfort/experimentation)
- inappropriate language for a pre-school child
- inappropriate sexual knowledge for a pre-school child
- making sexual advances to adults or other children
- wariness of being approached by anyone, possibly combined with a dazed look
- regression to younger behaviour
- distrust of a familiar adult; anxiety about being left with adults
- sexually explicit play with toys and other children.

Emotional abuse

Emotional neglect is often difficult to detect and can occur by itself, or in conjunction with physical abuse. It may occur when a child is physically well cared for.

- overly withdrawn child
- overly aggressive child
- constant wetting or soiling
- frequent vomiting
- persistent rocking movement
- very poor language development
- inability to relate to peers or adults
- fear of new situations
- parental attitude to child.

It is important to recognise that some of the signs and symptoms could arise from other causes. Ask for explanations of any injury. Consider the explanation in conjunction with the developmental age of the child. In addition to recording information about a child's actions, it is also useful to take notes of anything a child says which is indicative of neglect or harm. Always seek advice in confidence from your line manager or whoever has the responsibility for child protection within the group about what is seen and heard.

Responding to a disclosure from a child

- Believe the child
- Avoid showing shock or horror - be aware of your non-verbal messages
- Provide a safe and supportive environment
- Tell the child they are not to blame and they have done the right thing by telling you
- Reassure the child that you will tell only those who need to know
- Don't agree to keep a secret
- Don't ask any leading questions. A question like "tell me what happened" could be used
- Make a written note of what was said – in the child's own words and without interpretation - and who was present, as soon as possible
- Report what was said to your line manager or whoever in your group monitors child protection issues
- Seek advice and guidance from the appropriate authority e.g. Social Work Department
- Treat the child as you always have
- Keep whatever you have seen or heard confidential between yourself, the child and the person to whom you have reported your concerns
- Seek support for yourself. You will probably feel shocked and upset; this is a normal reaction. The NSPCC Helpline on 0800 800 5000 can provide information on sources of help
- Make a formal referral if required.

Responding to the parent of a child you are concerned about

- Ask for an explanation of unusual injuries
- Treat the parent with respect
- Be open about your concerns unless this puts the child or others at risk
- Explain what will happen next
- Offer support at every stage.

Parents and carers as partners

Parents are the prime carers and educators of their children and, as such, they have a unique and specialised knowledge of their child. Encouraging parental involvement in an early years group may alleviate stress on both the parents and the child. In this way the early years group may contribute to the prevention of harm.

Every group should have a clear policy on child protection, as it does for equal opportunities and health and safety. Written policies facilitate good practice.

Parents should always be consulted about their children's welfare. However, in order to protect children, staff may have to discuss the welfare of a child with their line manager, chairperson or owner and will have to bypass parents and go to other agencies when abuse is suspected. The authority to which cases are referred will have guidelines which involve parents where at all possible.

Duties of early years workers

The needs of children must be of paramount importance in all groups. It is the duty of all those involved in early years to safeguard the welfare and interests of children. The focus of any work with children should be their care and safety, which will inevitably, on occasion, involve issues of child protection.

Staff and volunteers are in close contact with the children in their care, often on a daily basis. Early years workers must be aware at all times of the possibility that a child in their care may be suffering from some form of harm. It is important that everyone involved in the pre-school setting, whether it be a playgroup, all day care, or toddler group, is aware of their responsibility and what action to take should an issue of child protection arise or be suspected.

Action to take

Remember it is not the responsibility of any early years worker to investigate a suspected case of child abuse. **Discussing suspicions with parents may destroy any evidence and any chance of a successful investigation.**

However, if a worker has concerns then it is essential to get advice from their line manager or whoever in the group monitors child protection issues.

Sharing your concerns

If your suspicions have been aroused, but you are not sure if abuse is occurring, or what action to take, you should:

- Discuss your concerns with your line manager, development worker/officer or whoever in your group monitors child protection issues.
- Together decide whether you need to keep your eye on the situation for the next few days or weeks, or take immediate action.
- Record everything that has been noticed and any decisions or actions taken. Keep this information in a secure place.

Note: It is important to recognise that, whilst this information is confidential, it is essential to discuss this with your line manager or child protection monitor. This is good practice and parents should be informed of the potential necessity to discuss their child's welfare in this manner from the outset of their child's pre-school group experience. A statement to this effect should be included in

the group's "Welcome Pack" or equivalent and parents should be asked to sign to state that they have read and understood this.

- It may also be necessary to inform Social Work Services of these concerns (after the above discussions) and parents should be made aware on the enrolment of their child to the group, that it may be necessary to inform the Social Work Services without their knowledge or permission. This should also be stated in the "Welcome Pack."

Keep discussing your observations and/or concerns with your line manager, child protection monitor, and if you are certain there is a problem, your line manager, development worker/officer or child protection monitor will assist you to contact your local Social Work Services or Police and report your concern. In any case of suspected child abuse, Social Work Services are duty bound to investigate the complaint.

The Children's Reporter for your area or a representative from Social Work Services can be approached to talk to you in general terms about what happens once a report of suspected child abuse has been made.

If a committee employs you, it is advisable to inform one member of the committee (preferably the chairperson) of any action taken. You need not name the child or family but it is good practice to inform your employer. Confidentiality should be maintained.

Social Work Services will advise you as to how and when parents will be informed.

Scotland also has a 24-hour Child Protection Line which provides you with a single number to ring for easy access to local child protection services. If you have concerns about a child you can contact the Child Protection Line on 0800 022 3222. They will then refer you onto local support in your area.

What happens when abuse is reported?

Many people are reluctant to report suspected child abuse, because they are afraid that the suspected abuser will be sent to prison or the child taken away from home. This is not necessarily the case. The priority will be to stop the abuse, keeping the family together wherever possible. In a small number of cases where it is felt that the child may not be safe, a relative or the local authority may look after the child. Most of these children return home as soon as it is felt that they will be safe.

When Social Work Services or the Police are told about a child who may be being harmed, they may decide, after making enquiries, that a formal investigation is not necessary and no further action needs to be taken, or support organisations may be provided to the family. If the referral is serious enough to need further action, a formal investigation is made. If the investigation suggests that action is needed to protect the child, a child protection case conference (CCPC) will be held.

A case conference is a meeting of all the different organisations who may be involved with the child and may therefore have relevant information. It can include the social worker for the child and family, doctors, teachers, health visitors, the police and early years staff. The case conference will assess the risk to the child and decide if action is needed to protect the child and what that should be. The conference may decide that a child's name does not need to be placed on the child protection register and the case may be closed or support organisations may be provided to the family instead. Where it is agreed that a child's name should be placed on the child protection register, a 'child protection plan' is agreed, setting out how the child's needs will be met by all the various agencies. The case conference will also decide whether or not to refer the child to the Children's Reporter.

The Children's Reporter is an independent person who has statutory powers for the protection and wellbeing of children. When the Children's Reporter receives information that a child may be in need of 'compulsory supervision' (see below), he or she must make further enquiries in order to decide what to do. He or she will decide either to take no further action, to refer the child to the social work department for voluntary supervision, or to refer the child to a children's hearing.

The Children's Reporter will decide to refer a child to a children's hearing if he or she judges that there is sufficient evidence that the child needs compulsory supervision. If the parents or the child do not accept the reasons for being referred to the children's hearing, the case is referred to the Sheriff for a decision on whether these are correct.

Children's hearings are informal tribunals, which make decisions about the care, protection and supervision of children, based on their best interests. A children's hearing is made up of trained volunteer members of the public, who listen to what the children and his or her parents or carers say, and read reports written by social work on the case. They decide whether to discharge the case or to make a 'supervision requirement'. The hearing may appoint an adult, called a 'safeguarder' to help the child express his or her views or represent his or her interests.

Children's hearings listen to all the information about the case and try to come to an agreement between the family and professionals about the best thing for the child. However, they can make a 'supervision requirement' which is legally enforceable if necessary. A 'supervision requirement' places the child under the supervision of the local authority and is usually carried out by the social work department. Depending on the circumstances of the case, a supervision requirement may require the child to live in a certain place or it can give authority for a child's liberty to be restricted. Supervision can include supervision at home, with a relative, in foster care, a children's home or in secure accommodation. Conditions can be attached – such as regulating the child's contact with a particular person. The child or his or her parents/carers can appeal against any of the decisions of a children's hearing.

If at any stage in the process there is a need for urgent action to protect the child from immediate danger, there are procedures for temporarily removing the child from his or her home until investigations are complete.

If it appears that a crime has been committed against a child, there may be a criminal investigation by the police alongside the child protection enquiries and children's hearing proceedings. Following a joint investigation by police and social work, the Police will send reports of suspected crimes to the Procurator Fiscal. He or she will decide whether criminal proceedings are in the public interest, and assess whether there is sufficient evidence to bring criminal proceedings against an alleged perpetrator.

The Child Protection Register

The purpose of the Child Protection Register is to provide a record of the most vulnerable children in the local authority area for whom there is an ongoing need for protection by means of an inter-agency child protection plan. The Child Protection Register serves as a checkpoint for social workers, locally and nationally, and other relevant professionals who suspect that a child may be in need of protection. The placing of a child's name on the Child Protection Register ensures that those and only those who need to know are in possession of details of those children to whom they need to pay particular attention. It has no legal status but provides an administrative system for alerting practitioners that there is sufficient professional concern about a child to warrant an inter-agency Child Protection Plan.

The effects of harming a child

The effects of cruelty to children are wide-ranging and profound. They vary according to the type of harm and how long it has been endured, but can include:

- Behavioural problems
- Educational problems
- Drug and Alcohol problems
- Relationship difficulties
- Mental health problems
- Suicide and other self harm
- Death, in extreme cases.

Many children who are harmed become withdrawn, introverted and depressed; they also suffer from low self-esteem. If they are treated as worthless, they begin to believe it. The effects of abuse are long lasting and many victims can also suffer a sense of guilt believing that they have caused the abuse to take place.

Fortunately children who have suffered abuse can be helped. It is vital that everyone who works with children is equipped to recognise the possible signs of harm at the earliest opportunity so that the abuse can be stopped and the damage can start to be repaired.

Help children to protect themselves

Early years providers and staff should discuss and promote ways in which they can help children to keep themselves safe. There are a number of individuals who can pose a threat to a child; these include an adult stranger, a bully or even a familiar grown up. Kidscape's Ten Point Code is as follows

1. Be safe - children have the right to be safe
2. Protect their own bodies - children need to know that their body belongs to them, particularly the private parts covered by their swimsuits.
3. Say no - teach children it is alright to say no to someone who tries to harm them. Most children are taught to listen to and obey adults without question.
4. Get help against bullies - tell children to enlist the help of friends or say no without fighting and to tell an adult. In cases of real physical danger children often have no choice but to surrender to the bullies' demands. Sometimes children will fight and get hurt to protect a possession because of the fear of what will happen when they arrive home without it. Tell children that keeping themselves safe is a more important consideration.
5. Tell - assure children that no matter what happens you will not be angry with them and that you want them to tell you of any incident. Children can be very protective of parents and might not tell about a frightening occurrence because they are worried about their feelings.
6. Be believed - when children are told to go to an adult for help, they need to know that they will be believed and supported. If a child is not believed when he or she tells the abuse may continue for years and result in guilt and suffering for the child.
7. Not to keep secrets - teach children that some secrets should **never** be kept, no matter what they promised not to tell. Child molesters often say that a touch or a kiss is 'our secret'. This confuses the child who has been taught to keep secrets.
8. Refuse touches - explain to children that they can say yes or no to touches and kisses from anyone, but that no one should ask them to keep it a secret.
9. Not to talk to strangers - it is never a good idea to talk to strangers. Children do not have to be rude, they can pretend not to hear and quickly walk or run away. You may need to explain what a stranger is especially to a young child.
10. Break rules - tell children that they have permission to break all rules to protect themselves, and tell them you will always support them if they must break a rule to stay safe. It is alright to run away, to yell and create a fuss, even to lie or kick to get away from danger.

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Developing positive self-esteem

Children growing up with positive self-image and high self-esteem are less likely to become victims of abuse or become bullied. They are more likely to have the confidence to deal with threatening situations more effectively. Preventative work will enable children to think critically and use their own judgement to avoid potentially dangerous situations. Encourage children to trust their feelings and to speak out if they are uncomfortable with the actions of another individual. Help children to explore rules and role models to develop an understanding of values and mutual respect.

Physical contact

Physical contact between early years workers and children should be appropriate. Paranoia about being accused of abuse could have serious implications for the relationship between children and their carers. Male practitioners may be particularly anxious about accusations of inappropriate behaviour. Children need males and females in caring roles and it is important that they see affectionate men. If physical contact is removed and a carer's body language says they are wary of coming near the child, or there is not a welcoming arm or hug, then children will think that they are not liked and that the adult does not care about them. This can have an emotional effect, particularly on children who spend many hours in day care. Touch can demonstrate care and provides reassurance when needed.

Parents should always be welcomed into the childcare setting, this allows them to see how children are comforted, lifted and handled during the day. The child protection policy needs to state clearly what type of physical contact is inappropriate. Touch should be initiated by the child and should normally only happen in public. Practitioners should not go around scooping children up in their arms and cuddling them. They should respect the child's space and autonomy, but when a child needs a cuddle or a lap to sit on the practitioner like any good parent should offer this.

If children are playing out of doors in the summer time sun cream should be applied to exposed parts of the children's skin by staff if the child cannot apply it themselves.

Intimate care

Intimate care encompasses areas of personal care which most people usually carry out for themselves but some are unable to do so because of age, impairment or disability. Children may require help with washing, dressing and toileting. Help may also be required to change colostomy or ileostomy bags or rectal medication may need to be administered. Children have the right to be treated with dignity, sensitivity and respect, and in such a way that their experience of intimate care is a positive one. Intimate care arrangements will be discussed with parents/carers on a regular basis and recorded on the child's care plan.

Best Practice:

- Ensure privacy appropriate to the child's age and situation.
- Allow the child to care for him/herself as far as possible. Avoid any unnecessary physical contact.
- Be aware of and responsive to the child's reactions.
- Respect a child's preference for a particular carer.
- Provide a suitable changing area/table, with sufficient space, heating and ventilation to ensure the child's comfort and safety.
- Be mindful of and respect the personal dignity of the child when supervising, teaching or reinforcing toileting skills.
- Arrange for supplies of fresh clothes to be at hand, so that the child is not left unattended whilst they are found.

- Discuss with parents and take into account the practices and religious beliefs of the child and his/her family and any cultural sensitivity related to aspects of intimate care.

Photographs

Photographs are rightly used by organisations for display purposes to allow children, parents and visitors to view activities pursued by the organisation. Images from mobile phones, videos, digital cameras and camcorders also form a valuable source of assessment evidence of the child's development. In order to protect all adults and children, there must be a clear policy set down regarding the taking of photographs and the use of telephones and video cameras. Parents/guardians should be asked on a regular basis to give their written consent to their child being photographed or videoed.

Access to inappropriate materials including internet access

If videos or access to the internet are provided as part of the group's programme these need to be carefully monitored. Videos and DVDs should be screened prior to children having access and internet access should be supervised, and blocks put in place to prevent inappropriate access to sites and emails. Discuss and agree suitable videos, DVDs, play station games and magazines. Boundaries should be agreed to ensure that risks to children will be minimised.

Conclusion

Child protection is an emotive subject, which may be difficult for many people to confront and deal with appropriately. It must be remembered that the welfare of the child is paramount and that he or she has the right to protection from harm. It should also be remembered that children have the right to a family life and freedom of intrusion into family life. It is necessary to balance these sometimes conflicting rights.

There are many people who can help in a situation of suspected harm or neglect and it is vitally important to share your concerns as outlined in these guidelines. Your line manager or child protection monitor will have information to assist you in dealing with child protection. They will also be supportive of groups who are dealing with suspected situations of abuse or neglect.

Where as a result of an investigation, abuse is not established, blame should not be conferred on the personnel involved. Where indicators exist the possibility of being mistaken should never act as a barrier to taking action, however your suspicions should have foundation.

Support materials

Information on the Protection of Vulnerable Groups (PVG) Scheme can be found on the CRBS website www.crbs.org.uk and the Disclosure Scotland website www.disclosurescotland.co.uk

The National Guidance for Child Protection in Scotland can be found on the Scottish Government website www.scotland.gov.uk/Publications/2010/12/09134441/0

The West of Scotland Child Protection Procedures can be found at <http://www.online-procedures.co.uk/westofscotland/>

Protecting Children and Young People: Framework for Standards is available at <http://www.scotland.gov.uk/Publications/2004/03/19102/34603> These standards focus on the outcomes children can expect professionals to achieve on their behalf.

The group's Infection Control Policy should be referenced in terms of hand washing, nappy disposal etc.

The group's Administration of Medication Guideline should be referenced when providing any form of medication.

Useful Contacts

Scottish Pre-school Play Association 0141 221 4148 - SPPA Centre, 21-23 Granville Street, Glasgow, G3 7EE Email info@sppa.org.uk Website www.sppa.org.uk

Central Registered Body in Scotland (CRBS) 01728 849777 Jubilee House, Forthside Way, Stirling, FK8 1QZ E-mail: info@crbs.org.uk Website www.crbs.org.uk

Data Protection 0131 301 5071 Information Commissioner's Office, 93-95 Hanover Street, Edinburgh, EH2 1DJ Email: Scotland@ico.gsi.gov.uk Website www.dataprotection.gov.uk

Disclosure Scotland 0870 609 6006 - PO Box 250 Glasgow G51 1YU. E-mail info@disclosurescotland.co.uk Website www.disclosurescotland.co.uk

ChildLine 0870 3362910 Helpline 0800 1111 - 18 Albion Street, Glasgow, G1 1LH Website: www.childline.org.uk

Children 1st 0131 446 2300 - 83 Whitehouse Loan, Edinburgh, EH9 1AT Email: info@children1st.org.uk
Website: www.children1st.org.uk

Children in Scotland 0131 228 8484 Princes House, 5 Shandwick Place, Edinburgh, EH2 4RG. Email: info@childreninscotland.org.uk Website: www.childreninscotland.org.uk

Kidscape 0207 730 3300 2 Grosvenor Gardens, London SW1W 0DH Website: www.kidscape.org.uk

Scottish Child Law Centre 0131 667 6333 - 54 East Crosscauseway, Edinburgh, EH8 9HD
Email: enquiries@sclc.org.uk Website: www.sclc.org.uk

The Scottish Government 0845 774 1741 Victoria Quay, Edinburgh, EH6 6QQ Email: ceu@scotland.gsi.gov.uk

Website: www.scotland.gov.uk

Child Protection Policy and Procedures in Early Years Groups

- This policy will be kept readily available for all to read.
- This policy will be displayed on the pre-school group's notice board.
- All staff, paid and unpaid, and committee members will have a working knowledge of the group's Child Protection Guidelines and Policy.
- This policy and guidelines will be given or explained to every parent who uses the organisation. Parents will be asked to sign a statement confirming that they have read and understood this document.
- In collecting, holding and processing personal data the group complies with current Data Protection rules and guidance.⁷
- The Protecting of Vulnerable Groups (PVG) Scheme will be used to ensure the organisation does not offer regulated work with children to a barred person.
- This policy is supported by other organisational policies on, for example, safe recruitment, health and safety, discipline, parental involvement, as well as operational and management practices, for example, SSSC codes of practice, regular supervision, risk assessments, in order to create environments which keep children safe and free from harm.

We intend to create in our pre-school an environment in which children are safe from abuse and in which any suspicion of abuse is promptly and appropriately responded to. In order to achieve this we will:

1. Exclude known abusers

It will be made clear to applicants for posts which involve regulated work¹ with children that the position is exempt from the provisions of the Rehabilitation of Offenders Act 1974.² We will only employ individuals (paid and unpaid) who are members of the Protecting of Vulnerable Groups Scheme³ to undertake regulated work with children. The organisation will always seek a Scheme Record Update when appointing new staff members to work with the children and, where it is deemed appropriate, will seek a full Scheme Record if the need arises. Individuals who are not members of the Scheme will be asked to join and will not be eligible to take up employment until a Scheme Record has been issued.

The Chairperson and two Office Bearers of the organisation will be PVG Scheme members. (NB: if your group has charitable status, the trustees of the charity are deemed to be doing regulated work with children and are required to become a PVG Scheme member.)

Retrospective checking will be undertaken for staff members who currently hold an Enhanced Disclosure under the Protection of Children (Scotland) Act 2003 (now repealed) within 4 years of the PVG Scheme implementation.

The organisation will remove a person from regulated work if Disclosure Scotland provides information that they have become barred from working with children.

As a holder of PVG information the organisation will have the following policy in place in addition to this Child Protection Policy.

- Policy on secure handling, use and storage and retention of PVG information. A model policy may be downloaded from the CRBS website.⁴

The organisation will notify the CRBS/Disclosure Scotland of any workers leaving their organisation.

The organisation acknowledges that the PVG scheme offers just one element in safeguarding children and recognises that this policy is supported by other policies, for example, on safe recruitment, health and safety, discipline and management practices that create environments which ensure children are kept safe from harm.

2. Ensure recruitment and selection procedures are robust

All applicants for work within the pre-school, whether voluntary or paid, will be interviewed before an appointment is made and will be asked to provide at least two written references, one of which will be personal and the other work related. If an applicant has been absent from employment for a considerable time a reference will be requested from a professional person.

All such references will be checked by speaking to the referees. Checks will also be implemented with the applicant's previous employer. In the case of applicants with unexplained gaps in their employment history or who have moved rapidly from one job to another, explanations will be sought.

All new appointments to regulated work with children in the organisation will be members of the PVG Scheme. If the individual is not a member of the PVG Scheme, their appointment will be subject to them joining the Scheme. New appointments to a post will not be allowed to start work until their PVG disclosure information has been received from Disclosure Scotland or the CRBS.

All appointments, both paid and unpaid, will be subject to a probationary period and will not be confirmed unless the pre-school group is confident that the applicant can be safely entrusted with children. During the probationary period the prospective early years worker will go through a period of induction and support and supervision to enable them to fully comprehend their new position. They will be given time to develop their knowledge of the child protection guidance and the policy and procedures they should follow. Training needs will be identified in the individual's personal learning and development plan.

Risk management procedures will be used for parents who become involved in helping out in the play session. Committees will be asked to work through the Regulated Work Self Assessment Tool which can be found on the CRBS website to ascertain whether volunteers need PVG Membership.

3. Seek and supply training

The organisation will ensure that all staff and volunteers have knowledge of and access to SPPA's Child Protection Guidelines and Policy for Early Years Workers. Staff and parents will be asked to sign a statement confirming that they have read and understood the document.

The organisation will seek out training opportunities for all early years workers involved in the pre-school group to ensure that they recognise the symptoms of possible physical abuse, neglect, emotional abuse and sexual abuse and are aware of child protection procedures. The committee/employers will keep documentary evidence of courses attended and of their comprehension by staff and volunteers, and will ensure that staff have knowledge and understanding of the group's child protection policy and procedures.

4. Prevent abuse by means of good practice

The organisation (where there is a requirement) will be registered with the Care Inspectorate. It will produce evidence, for inspection purposes, to demonstrate that robust workplace practice and procedures are followed to prevent unsuitable people from working with children and to detect those who become unsuitable while in the workplace.

Staff will be provided with a copy of the Scottish Social Services Council (SSSC) Code of Practice and will be expected to adhere to the standards of conduct as defined in the Code. All staff will be registered with the SSSC and this registration will require them to be members of the PVG Scheme.

Staff will be made aware of the requirement to notify their employer as to any occurrence which may affect their PVG Scheme membership status. Failure to do so will lead to disciplinary action and could lead to dismissal.

The organisation will meet its duty to pass on information; that is it will **make a referral** to Disclosure Scotland, if they consider that an individual may be unsuitable to do regulated work, so that it can be properly evaluated and appropriate action taken. It will use the criteria specified under the PVG Act 2007 for making a referral; these are:

- an individual doing regulated work has done something to harm a child (or protected adult)
- and
- the impact is so serious that the organisation has (or would) permanently remove the individual from regulated work.

The organisation understands that after a referral is made, Disclosure Scotland may place the individual under consideration for listing on either or both lists, irrespective of how the referral grounds are met.

The organisation understands that harmful or inappropriate behaviour does not have to have taken place in the workplace, or be connected with that person's work in any way, for the grounds for the referral to be met, if the person is doing regulated work.

Other adults who are involved in the group, for example, parents, who have not been vetted through Disclosure Scotland and through careful selection procedures will **not** take children, other than their own children, unaccompanied to the toilet, or be left in sole charge of children.

Children will be supervised at all times by a responsible adult who is a member of the PVG Scheme, including when taking part in the pre-school group's external activities, e.g. walks, visits and other outings.

Early years workers will not be left alone for long periods with individual children or with small groups. A worker who needs to take a child aside for any reason will alert another member of staff and they will monitor the length of absence. Adult: child ratios as outlined in the National Care Standards will be adhered to at all times.

Children will not be left alone with visitors to the group. Visitors will always be asked to provide proof of identity. Staff will supervise children when visiting specialists are on the premises. Regular visitors will be required to be members of the PVG Scheme if the work they undertake with the children is specified as regulated work.

Children will only be collected from the group by adults who are authorised by parents or carers to do so. This authorisation should be provided in writing, wherever possible. If in the opinion of the staff on duty the parent/carer is incapable of looking after the child safely through being under the influence of drugs or alcohol, delaying tactics will be employed in order to find the child's emergency contact person or other family member to look after the child in the meantime.

Early years workers turning up for duty under the influence of drugs or alcohol will be instructed to go home. Breaches of conduct such as these will lead to disciplinary action being taken and could lead to summary dismissal.

If an early years worker faces disciplinary action it will be reported to the Care Inspectorate and if appropriate to the SSSC and Disclosure Scotland.

There are **no circumstances** in which children will be punished by smacking, slapping, or shaking by anyone in the group. Parents should be requested not to smack their own children too. Neither will humiliating nor frightening methods of punishment be used - for example, ridicule or exclusion.

Children will be respected, listened to and encouraged to develop a sense of autonomy and independence, through adult support, in making choices and in finding names for their own feelings, and acceptable ways to express them. This will enable children to have the self-confidence and the vocabulary to resist inappropriate approaches.

Children will be encouraged to be confident in dealing with personal hygiene needs. "Accidents" will be dealt with in a sensitive manner.

The layout of the playroom(s) will permit constant supervision of all children.

Risk assessments of the group's child protection procedures will be undertaken and reviewed annually.

In addition to staff and volunteer training, the organisation will encourage participation in general discussion in child protection matters and to keep abreast of current legislation.

5. Respond appropriately to suspicions of abuse

Changes in children's behaviour or appearance will be monitored, recorded and acted upon. To prevent any investigation into allegations being compromised, advice will be sought from an appropriate source before considering informing the child's parents or carers of their suspicions. Suspicions will be referred to the Social Work Department or Police. All such suspicions will be kept confidential, and shared only with those who need to know. Suspicions will also be reported to the pre-school group's chairperson or head of establishment providing their child is not directly involved.⁵

Where there are suspicions of a child being abused **while in the group's care** (e.g. by a staff member or parent/carer) the relevant authorities will be notified.

6. Keep records

Whenever worrying changes are observed in a child's behaviour, physical condition or appearance, a specific and confidential record will be set up, quite separate from the usual ongoing records of the child's progress and development. The record will include;

- the name, address and age of the child;
- timed and dated observations describing objectively the child's behaviour and appearance, without comment or interpretation; where possible, the exact words spoken by the child;
- the date, name and signature of the recorder.

Such records will be kept in a separate locked file and will not be accessible to people in the pre-school group other than to specified personnel as appropriate.

The pre-school group will specify clearly at the end of this policy the person/s identified as having access to information and to the secure files. These names will be reviewed, annually at least, and any changes recorded appropriately.

7. Liaise with other bodies

The pre-school group operates in accordance with the Care Inspectorate and local authority guidelines. Confidential records, kept on children about whom the pre-school group is anxious, will be shared with the Social Work Department if the pre-school group feels that adequate explanations for changes in the child's condition have not been provided.

If a report on a child is to be made to the authorities, the child's parents will be informed at the same time as the report is made, unless there are suspicions that the parents are implicated.

Once reported, the pre-school group will maintain ongoing contact with the local authority, and will have a record of the names, addresses and telephone numbers of individual social workers, to ensure that it is easy, in any emergency, for the pre-school group and the Social Work Department to work well together. The pre-school group will ensure that it is up to date with reporting procedures.

Contact details will also be kept of the local Social Work Department and other agencies and individuals as appropriate ⁶.

8. Support families

The pre-school will take every step in its power to build up trusting and supportive relationships between families and staff and volunteers in the group.

Where abuse at home is suspected, the pre-school will continue to welcome the child and family while investigations proceed.

With the proviso that the care and safety of the child must always be paramount, the pre-school will do all in its power to support and work with the child's family.

Person/s specified within the group having access to confidential information and secure files:

Early Years Managers and Chairperson

Background Information Notes

1. Regulated work with children: What is regulated work?

Regulated work is defined by three basic principles

1. It has to be work (i.e. not personal relationships)
2. It has to be with either children or protected adults
3. The work has to include:
 - a. A particular type of activity such as caring for or teaching a child or protected adult;
 - b. Work in a particular establishment, such as a school or care home, which involves contact with children or protected adults
 - c. Holding one of the specified positions, such as member of a children's panel.

2. The Rehabilitation of Offenders Act provides the current framework on the use of prior convictions. In general terms, it provides for convictions to become spent after a specified period related to the length of sentence. For instance, a conviction becoming spent means that it does not require to be declared, for example, for the purpose of a job application. However, there are some areas of activity that are exempt from these provisions, in particular those involving substantial access to children. The exceptions are set out in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. For those applying to work in these areas, which include staff in pre-school groups, all convictions, no matter how old, require to be declared.

3. The Protection of Vulnerable Groups (Scotland) Act 2007 aims to further improve safeguards for children by preventing unsuitable people from working with them. The Act provides for Disclosure Scotland to maintain a list of persons who are unsuitable to work in a childcare position as either paid employees or unpaid volunteers. The list is known as the Disqualified from Working with Children List. The Act has also established a Disqualified from Working with Protected Adults List.

The Act places a duty on employers to refer people to the List if they have harmed children or put children at risk of harm **and** have been dismissed or moved away from contact with children as a consequence. It will be an offence to knowingly employ anyone on the List to work with children. Those on the List (other than provisionally) will commit a criminal offence if they apply to work with children. The fact that someone is on the List will be released as part of a disclosure check under the PVG Scheme.

This Act has significantly enhanced the protection of children but it is important to stress that it complements rather than replaces other child protection measures. All organisations entrusted with the care of children need to practice the full range of pre-employment checks. This includes interviews, the full investigation of the applicant's employment history and the taking up of references. Supervision within any probationary period is also recommended.

4. Sample policies can be downloaded from the Disclosure Scotland website on www.disclosurecotland.co.uk and the CRBS website www.crbs.org.uk can be adopted by the committee.

5. Agencies making a child protection referral should ask to speak to the Senior Social Worker or if contacting the Police, an officer of the Female and Child Unit. If the Senior Social Worker is unavailable then the Duty Social Worker is the alternative point of contact. You may also contact the national Child Protection Line on 0800 022 3222. They will then refer you onto local support in your area.

6. Social Work Department contact telephone number **01896 664 159**.....
Locality Office for Tweeddale contact telephone number **01721 726 310**.....
Care Inspectorate contact telephone number **01896 664 400**.....

7. For information regarding data protection call 0131 301 5071 or 01625 545745.

Review completed (date)

Signed Designation

This policy was adopted at a meeting of
On (date)
Signed Designation

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